

# SOS

## SAVE OUR SHORELINE

**SOS MAY 2011 NEWSLETTER**

**[WWW.SAVEOURSHORELINE.ORG](http://WWW.SAVEOURSHORELINE.ORG)**

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### WHAT'S NEW?

Welcome to the summer of 2011. We sure do have our work cut out for us. Water levels continue to drop. Bottom lands formerly covered with water will be exposed. Nutrient loaded water will help generate excessive weed growth. In the year 2015 we will have to start all over again with the state to get permission to groom our beaches. We have already started this work in Lansing with the help of Senator Mike Green and Representative Charles Brunner.

We have met with the new head of the Department of Environmental Quality (DEQ), Dan Wyant. We discussed bringing back Public Act 14 that was our beach maintenance bill that was enacted in 2003. There was also discussion about removing the authority of the DEQ to regulate our beaches. This would mean we would only have to educate the Army Corps of Engineers. They should realize what we do is beneficial. We should have no interference with maintaining our property.

We have also been involved in a workgroup that has been looking at wind turbines being placed in the Great Lakes. We appreciate all of the responses to the wind mill survey that we have received from our membership. Thank you!!! We will keep you informed as this possibility makes its way through the state capitol. We will be working with our elected representatives to make sure our concerns are heard. In addition, Joe McBride, Chairman of our Legal Committee, shares the overall survey results regarding offshore wind turbines in the next article.

We have been talking with the Army Corps, and public meetings have been scheduled throughout Michigan to discuss their regulatory program. It is important that SOS members attend those meetings to let the Army Corps know that we will protect our beaches and keep them safe for our children and grandchildren. The meetings will be held in Bay City on May 16<sup>th</sup>, Traverse City on June 7<sup>th</sup> and Marquette on June 9<sup>th</sup>. More details are included later in this newsletter.

It is my hope that these meetings will be standing room only because of the attendance of SOS members. It is the best method of letting them know that we want to work with them and want reasonable regulations that will allow us to maintain our beaches.

So...what do we have to deal with this summer? 1) Low water, 2) More beach to clean, 3) DEQ saying "No", 4) Army Corps saying "No" and 5) Wind mills in the Great Lakes. We will work together to fight for our beaches and property values that continue to be under assault by our government. Thank you again for all of your continued support.



**Ernie Krygier**  
President  
Save Our Shoreline

## **WIND TURBINES ON THE GREAT LAKES**

### **By Joe McBride Chairman, Legal Committee**



One of the purposes of this article is to share with you why shoreline property owners need to be concerned about wind turbines being placed in the Great Lakes. The process started many years ago but on October 6, 2008, Public Act 295 was signed into law. This Act, known as the Clean, Renewable and Efficient Energy Act, established a Renewable Energy Standard for the State of Michigan. The Renewable Energy Standard requires Michigan electric providers to achieve a retail supply portfolio that includes at least ten percent renewable energy by 2015.

The Michigan Great Lakes Wind Council (Council) issued a report in September 2009. This report discussed offshore wind energy development trends and the impetus for the Council. Recognizing that Michigan lacked adequate regulatory guidelines to govern such development, the Council also recommended that the state enact new laws for the leasing of bottomlands and permitting of offshore wind facilities (wind turbines) in Michigan's Great Lakes.

The Council issued another report on October 1, 2010 and among other things, recommended the most favorable areas for leasing. In this second report, the council further refined its data collection and thus also refined the initial recommendations based on the set of 22 criteria established to help identify the most and least desirable areas for offshore wind energy development in the state's Great Lakes. Using those criteria and new data, the council identified a total of 13,339 square miles of bottomlands classified as "most favorable" for wind energy development.

Ultimately, five priority areas were identified. Known as Wind Resource Areas, they are located in Lakes Michigan, Superior, and Huron:

- Southern Lake Michigan near Berrien County

- Northern Lake Michigan near Delta County
- Central Lake Superior near Alger County
- Central Lake Huron (out from Saginaw Bay)
- Southern Lake Huron near Sanilac County

On November 10, 2010, House Bill 6564, sponsored by Representative Scripps, was a bill that would have permitted offshore wind energy facilities (Wind Turbines) in the Great Lakes. However; it died in the legislature.

On March 24, 2011, House Bill 4499, sponsored by Representative Franz, bans Commercial Wind Turbines and transmission lines in the Great Lakes. The bill was co-sponsored by Representative John Bumstead and will go to Representative Ken Horn's Energy committee for hearings.

With all the above activities moving forward by the executive and legislative branches of government and the fact that whatever is enacted into law, it will surely affect our members and probably everyone else in the state. For that reason, SOS has been gathering information and asking our membership to provide us with their thoughts on Wind Turbines being placed in the Great Lakes as an alternative energy source. Most of our communication with our membership has been through SOS's email system and for some reason many of you have not responded to our request for your input. Your input is essential to assist the board in developing a position on whether or not SOS as an organization should support placing wind turbines in the Great Lakes. For those of you who have responded we thank you; and for those of you who have not, we would like to hear from you.

The results we have received from our membership wind turbine survey are as follows:

- 54 members for windmills
- 240 members against windmills
- 13 members for windmills conditionally
- 19 members want more information
- 326 Total Responses

## **WIND TURBINES ON THE GREAT LAKES COMMENTS FROM MEMBERS**

We have also received many great emails from our membership, indicating that they appreciate the work we are doing and hope that we would continue providing updates. Many of your emails have been very helpful to the board in shaping their policy position with respect to wind turbines in the Great Lakes. Below are a few examples of some of the emails we have received from our members:

### **I am in favor of windmills being placed in the Great Lakes because:**

- They will be placed far enough from the shoreline there will be no noise and visually be in the background.
- We will always have free renewable resources.
- It is extremely clean compared to any other source of power.
- Wind is ours. We do not need to purchase it from any other country therefore it has to be cheaper than oil.

### **I am not in favor of windmills being placed in the Great Lakes because:**

- The windmills cannot economically be placed in deep water and their return on investment is questionable.
- Since the USA loves to create new government jobs I am sure we will be regulated to death and pay for it.
- To permeate this great view we currently share with guests and visitors with wind turbines would, in my opinion, destroy the view, lower property values and become a significant hazard to navigation.
- There are plenty of places for these windmills and placing them in our precious lakes should not be considered.
- The high cost of erecting and maintaining wind turbines off shore will drive the cost of energy sky high. They are already more expensive than other power sources and far less reliable. Having to build special power grids to accommodate the wind turbines is an additional cost that would not otherwise be incurred. All these costs will have to be recovered through rate increases or in higher taxes to pay for the subsidies.
- Certainly the construction of the platforms will disrupt the habitat and pollute the waters. The wind turbine energy has to be transmitted from off shore to the grid. What will be the impact on the environment of all that construction?
- Condemnation proceedings on some shoreline property may be required to allow construction of transmission lines over or under private property.

## **FACEBOOK CONNECTION FOR SOS**

In an effort to encourage effective communication and dialogue between the board of directors and our membership, SOS has established a social media page on Facebook. This will support SOS members posting information, thoughts and opinions related to the many diverse topics and issues important to waterfront property owners. This should also increase our ability to inform and solicit membership recommendations on critical issues in a much more efficient manner.

For more information, visit [www.facebook.com/saveourshoreline](http://www.facebook.com/saveourshoreline).

## WIND TURBINES ON THE GREAT LAKES INFORMATIVE WEBSITES

Over the past four months we have provided many websites for our members to review. We are providing them again in case you did not receive our previous emails.

### **What We Expect From Commercial Electricity?**

<http://www.youtube.com/watch?v=2ygONeN1Ukg> (Viewed 04/20/11)

### **Wind Power Facts**

<http://windpowerfacts.info/> (Viewed 04/20/11)

### **Wasting Money on Windmills - By Jack McHugh**

### **Texas Windmills Experience**

<http://www.mackinac.org/14539> (Viewed 04/20/11)

### **The Windsor Star March 2, 2011- Offshore wind - Ontario's moratorium right decision**

<http://www.windsorstar.com/technology/Offshore+wind/4369835/story.html#ixzz1FS6ySiiI> (Viewed 04/20/11)

### **Detroit News 3/28/2011. Editorial: Pull the plug on power plan**

<http://detnews.com/article/20110328/OPINION01/103280317/Editorial--Pull-the-plug-on-power-plan> (Viewed 04/20/11)

### **House Bill 4499 BANS Commercial Wind Turbines in the Great Lakes**

<http://www.legislature.mi.gov/documents/2011-2012/billintroduced/House/pdf/2011-HIB-4499.pdf> (Viewed 04/20/11)

### **Maintenance Issues**

[http://www.michigansthumb.com/articles/2011/01/19/news/local\\_news/doc4d36f5a14ca86503069821.txt](http://www.michigansthumb.com/articles/2011/01/19/news/local_news/doc4d36f5a14ca86503069821.txt) (Viewed 04/20/11)

[http://www.michigansthumb.com/articles/2010/12/22/news/local\\_news/doc4d11f21351a01151892092.txt](http://www.michigansthumb.com/articles/2010/12/22/news/local_news/doc4d11f21351a01151892092.txt) (Viewed 04/20/11)

### **Goldman Sachs indicates that a worldwide investment in renewable energy technologies has increased substantially since 2005. Please see the full report at:**

<http://www2.goldmansachs.com/ideas/global-markets-institute/past-research-and-conferences/past-research/more/alt-energy-pdf.pdf> (Viewed 04/20/11)

### **Off Shore Wind Turbine Installation**

<http://www.youtube.com/watch?v=MjGh0bLnGx8&NR=1> (Viewed 04/20/11)

### **Health - Wildlife**

<http://www.youtube.com/watch?v=RtgBWNKwBkE> (Viewed 04/20/11)

### **Health - Cattle**

<http://www.youtube.com/watch?v=JP5zT7a8U0Y> (Viewed 04/20/11)

### **Health Humans Part 1**

<http://www.youtube.com/watch?v=lm0Oe8J6qT8&feature=related> (Viewed 04/20/11)

### **Health Humans Part 2**

<http://www.youtube.com/watch?v=4FjER9VJ7CM&playnext=1&list=PLC182B1907DEC46D5&index=22> (Viewed 04/20/11)

The board has not made a decision to support or not support legislation that permits wind turbines in the Great Lakes. Therefore, for those of you who have not indicated your position to us previously it is not too late for you to tell the board your position on this issue. You can do this by emailing [ernie@saveourshoreline.org](mailto:ernie@saveourshoreline.org) or sending us a letter and letting us know whether or not you support legislation that permits wind turbines to be placed in the Great Lakes.

## MICHIGAN GENERAL PERMIT REGULATIONS UNDER REVIEW

The Michigan Department of Natural Resources and the Environment (MDNRE) released the proposed general permitting requirements for wetlands, inland lakes, streams and the Great Lakes in February 2011. These regulations are the replacement for the previous general permitting regulations and include many of the beach grooming activities associated with owning shoreline property.

The general permitting process in the last several years has been much more reasonable compared to state regulations implemented in the early 1990s. It simplified the permit application process for any beach grooming activities that had only a minimal adverse effect on the environment or aquatic

resources. This avoids the much more time consuming and expensive process of obtaining an individual permit. SOS was a strong supporter of the general permitting process as an alternative to the individual permitting process during its development in 2005.

The SOS board has initiated a legal review of the proposed general permit regulations and will be submitting comments on behalf of the membership to the MDNRE. The public comments on the proposed regulations are due by May 16, 2011. The regulations may be reviewed in their entirety at [www.michigan.gov/wetlands](http://www.michigan.gov/wetlands).

## OHIO LAKEFRONT CASE UPDATE

As reported in our September 2010 newsletter, the SOS board has been monitoring the legal issues in the Ohio Lakefront Group case, i.e. State of Ohio, ex rel, Robert Merrill, trustee et al and Homer S. Taft, et al v. State of Ohio, Department of, and State of Ohio and Natural Wildlife Federation. This case involves a challenge by the Ohio Attorney General to existing state law in 2006 that attempted to stipulate that the state owns the dry shore lands of Lake Erie including the backyards and heretofore private property of lakefront owners. This would have required property owners to lease or pay rent for seawalls, docks, boat hoists and other items commonly associated with beachfront property.

The Ohio Lakefront Group initiated successful legal action to prevent this reversal of nearly 200 years of

state property laws and won in Federal court, common pleas court and the state court of appeals. The courts found that the state's interest in the waters and submerged lands of Lake Erie does not extend beyond the water's edge and in fact, Ohio lakefront property owners retain their exclusive property rights to the water's edge.

The Ohio Supreme Court heard legal arguments in February. SOS filed an amicus brief in support of the Ohio Lakefront Group and has provided donations to their legal fund. This case is important to SOS members because a decision upholding the rights of Ohio lakefront owners would delegitimize recent Michigan court decisions that infringed on our shoreline private property rights. A decision is expected to be released in the next few months.

## US ARMY CORPS OF ENGINEERS PROPOSED NATIONAL PERMIT REGULATIONS

The US Army Corps of Engineers released revised regulations concerning the existing nationwide permits (NWP), general conditions and definitions on February 16, 2011. These regulations are reissued approximately every 5 years and provide the context for the Army Corp of Engineers oversight responsibility for the waters of the United States as defined in the Clean Water Act.

These regulations govern the activities of the Corps District Engineers in each state. The District Engineer for Michigan is located in Detroit. The regulations are intended to ensure that actions by state and local governments, corporations and

individuals have a minimal adverse effect and cause only minimal cumulative adverse effect on the aquatic environment. These regulations guide, overlap and in some cases supersede the general and individual permitting regulations issued by the DNRE.

The SOS board arranged a legal review of the NWP regulations to determine if public comment on behalf of our membership was necessary. However, we did not identify any significant changes to beach grooming or wetlands regulations in the NWP.

It is anticipated that the Army Corps of Engineers Detroit office will most likely issue regional

## PROPOSED NATIONAL PERMIT REGULATIONS (continued)

conditions to the NWP that may have the most relevance for shoreline property owners. The regional conditions will probably address issues such as leveling of sand and beach grooming. SOS will monitor the regional conditions proposed by the Detroit office and be prepared to respond if unreasonable limitations for riparian property owners are included in these regulations. For a full text of the recent NWP review, please visit our website at [www.saveourshoreline.org](http://www.saveourshoreline.org).

## US ARMY CORPS PRESENTATION: WATERWAYS, WETLANDS AND YOU!

The US Army Corps of Engineers District in Detroit has scheduled public information meetings throughout the state in the next few months titled "Waterways, Wetlands and You!" These are intended to be informational meetings with the public regarding public policy related to the national permitting process. There will be two identical presentations at each location. The presentation locations will include the Wirt Library in Bay City on May 16<sup>th</sup>; Grand Traverse County Governmental Center, 400 Boardman in Traverse City on June 7<sup>th</sup> from 12:30-3:30p and 4:30-7:30p; and the Peter White Library, 217 North Front St in Marquette on June 9<sup>th</sup> from 1:00-4:00p and 5:00-8:00p.

SOS members came out in force at the Bay City meeting to express their concerns with the Corps

regulations, permitting process and shoreline issues. We apologize for our newsletter arriving after the Bay City meeting and we encourage our members to attend the Traverse City and Marquette meeting and let the Corps know your concerns with shoreline issues. Ernie Krygier, SOS President, attended the change in command ceremonies for Detroit District in July 2010 and has been attempting to build a good working relationship with the district commander, Lt. Col. Michael C. Derosier. However, it is always beneficial for Army Corps to see firsthand how interested and motivated SOS members are to participate in these types of public events. It communicates our interest in effective and reasonable public policy to manage provisions of the Clean Water Act. More information may be found at [www.lre.usace.army.mil/regulatory](http://www.lre.usace.army.mil/regulatory).

## INTERNATIONAL UPPER GREAT LAKES STUDY UPDATE

By David L. Powers

Public Meetings This Summer!

As I indicated in previous newsletters, I am on the 10 member study board for the International Upper Great Lakes Study. This is a bi-national study being conducted by a group of experts appointed by the International Joint Commission (IJC) to investigate the causes and impacts of fluctuating water levels on the Great Lakes. The study also examines regulatory and adaptive options that potentially could provide additional benefits to interests throughout the system.

I am also the US Co-Chair of its 20-person Public Interest Advisory Group (PIAG). In that role, I keep reminding the scientists about the effects of low and high water which we have observed over the years, including the phragmites we have seen grow along the shore over the last decade. The PIAG has two other Michigan Great Lakes property owners who help me keep the scientists informed on shoreline issues.

You may recall that Phase 1 of the Study examined

whether changes in the St. Clair River were affecting water levels in the upper Great Lakes. The "St. Clair River Report" was released in December 2009 and can be viewed on the Study website, [www.iugls.org](http://www.iugls.org). That report dispelled an inaccurate newspaper article that there was a "hole" in the St. Clair River, and that it was getting bigger. In fact, the scientists found that the bottom of the river was largely stable.

Phase 2 is now examining whether we can improve conditions for all interests--and also adapt to a changing climate--by better regulating the flow of water out of Lake Superior and into Lakes Michigan and Huron. This part of the study will also look into the possibility of "restoring" water levels in Lakes Michigan and Huron to levels before the dredging projects of prior decades. Specifically, this part of the study considers placing structures in the St. Clair River to raise levels by 10 centimeters, 25 centimeters, 40 centimeters, or 50 centimeters. It also examines "multi-lake regulation" for climate change adaptation, which would mean at least two

**INTERNATIONAL UPPER GREAT LAKES STUDY UPDATE (continued)**

more structures to control lake levels throughout the system.

The Study's chapter on restoration options will be out in early June. It will not recommend any course of action, but will set forth the various options and a preliminary assessment of their impacts. In July and August, the Study Board and PIAG will host summer meetings all around the Great Lakes to provide information and seek public input (including written comments) regarding the status of the Study's Phase 2 work.

Following the public comment period, a final Phase 2 report will be drafted, peer-reviewed, and submitted to the International Joint Commission in March

2012. Once it has reviewed the report, we understand the IJC will hold its own public engagement process before making formal recommendations to U.S. and Canadian governments.

For more information on the Study and for specific dates, times and locations of upcoming meetings, go to [www.iugls.org](http://www.iugls.org) on your computer. If you're on Facebook, PIAG posts regular updates at [www.facebook.com/IUGLS](http://www.facebook.com/IUGLS).

*Attorney David L. Powers, co-founder and former Vice President of SOS, provides legal services to the SOS Board. He resides on the Saginaw Bay in Linwood, Michigan.*

**MESSAGE FROM SOS TREASURER - CHUCK GROYA**

Spring is here and we can soon get out on the beach for the spring cleanup. If you are like most of the waterfront property owners you will usually get together with the neighbors for the spring cleanup. As you may know there has not been any action against any of our SOS members related to beach maintenance that we know of. I firmly believe the reason for this is the strength of our SOS membership.

Over the past few years with everything going rather smooth our membership has declined a bit. I have been told the best way for SOS to improve membership is for something to go wrong and one of our members gets in trouble. Well, as you can imagine, that is not what we want to happen. We want to remain strong and represent our members

in Lansing and with the Army Corps of Engineers so there are no problems. So this spring when you are cleaning your beach and visiting with the neighbors please ask them to join Save Our Shoreline if they are not already members. SOS needs to keep our membership numbers as high as possible to help all our friends and neighbors.

At this time our accounts look in pretty good shape to cover our month to month expenses for the rest of our fiscal year (August 1, 2010 till July 31, 2011). You will see in the articles of this newsletter that we have plenty of activity going on with the Corps and in Lansing to protect our rights. Your board says "Thank You for your support" without a strong membership we could not continue to protect our rights.

**Membership Application**

Thank you for your interest in joining Save Our Shoreline. Please complete the following information and send it to:

Save Our Shoreline P.O. Box 2307 Bay City, Michigan 48707-2307

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Name of your beach area: \_\_\_\_\_

(i.e. Au Gres, Bay City, Caseville, Grand Traverse area, Tawas):

I have enclosed \$50.00 (\$25.00 application fee and \$25.00 annual fee). (Please make check payable to Save Our Shoreline.)

I'd like to donate an additional \$ \_\_\_\_\_ for \_\_\_\_\_ Legal Fund \_\_\_\_\_ PAC Fund



**SAVE OUR SHORELINE**

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Al Weaverstad	Director		Suttons Bay	(248) 625-4335

***OUR MISSION:***

“To organize waterfront property owners and those with similar interests consistent with the goals of the organization; to preserve and maintain riparian rights, including the right to maintain safe recreational beaches and waterfront areas, both public and private; and to preserve and maintain a proper balance for the coexistence of man and nature upon and near waterfront property.”